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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/779,875

02/18/2004

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K-0611

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34610 7590 04/08/2008

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EXAMINER

THOMPSON, CAMIE S

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

04/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### **DETAILED ACTION**

1. Applicant's amendment and accompanying remarks filed January 4, 2008 are acknowledged.
2. Examiner acknowledges amended claims 6-7, 9-10 and 12-13
3. Examiner acknowledges cancelled claims 1-5, 8 and 11.
4. The rejection of claims 1 and 8-13 under 35 U.S.C. 103(a) as being unpatentable over Tutt et al., U.S. Patent Number 7,052,351 is overcome by applicant's amendment.

### ***Claim Objections***

5. Claims 6-7, 9-10 and 12-13 are objected to because of the following informalities: In all of the claims:

Delete the term "a" following the phrase "first and second electrodes" in the 4th line of the claims.

Delete the term "Wherein" and insert the term - - wherein - - in the 11<sup>th</sup> line of the claims.

Claims 6-7, 9-10 and 12-13 have improper Markush groups.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 9-10 are rendered indefinite because the claims recite at least one of A1 and A2 is a non-substituted aromatic group wherein chemical formulae 5 for A1 and A2 both recite substituted aromatic groups.

8. Claims 6-7 and 12-13 would be allowable upon the appropriate correction of the minor informalities.

9. Claims 9-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

### ***Response to Arguments***

10. Applicant's arguments with respect to the present claims have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached at (571) 272-1478. The fax phone number for the Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Terrel Morris/  
Supervisory Patent Examiner  
Group Art Unit 1794